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OFFICE OF PETITIONS

In re Application of
Don D. Josephson, et al.
Application No. 10/804,624
Filed: March 19, 2004
Attorney Docket No. 200312720-1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 10, 2007.

The petition is GRANTED.

This application became abandoned for failure to timely pay the issue fees on or before August 1, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed May 1, 2007. Accordingly, the date of abandonment of this application is August 2, 2007. On August 10, 2007, the present petition was filed. A Notice of Abandonment was subsequently mailed on August 20, 2007.

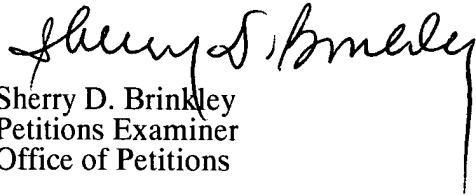
It is noted that the petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of William P. O'Meara appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. If Mr. O'Meara desires to receive future correspondence regarding this application, then the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,400 and the publication fee of \$300, (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay¹.

The application is being referred to the Office of Publications to be processed into a patent.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is written in a cursive style with a long vertical line extending downwards from the end.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: WILLIAM O'MEARA
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